

**RUMSON ZONING BOARD OF ADJUSTMENT  
DECEMBER 16, 2014  
MINUTES**

Chairman Conklin called the regular meeting to order at 7:30 p.m. with the Pledge of Allegiance. The Roll was called with the following members present: Conklin, Brodsky, Wood, Blum, Duddy, Cottrell. Also present: Bernard Reilly (Board Attorney), Tom Rogers (Borough Administrator, for Fred Andre, Zoning Officer), Tom Neff (T&M Assoc.), State Shorthand.

The requirements of the Open Public Meetings Act were stated as met.

Mr. Rogers and Mr. Neff was sworn in at this time.

Chairman Conklin announced that the next meeting (January) will be 1/6/14. All other 2015 meetings will be the third Tuesday of the month.

**Approval of Minutes**

The Board will vote on the November minutes at the January meeting.

**Resolutions**

1. **Petcon Builders, LLC, 129 Rumson Road** – This application was approved at the October meeting, but the resolution was not yet adopted, due to some engineering changes. The present plan now meets drainage requirements. Mr. Reilly has prepared a resolution for approval (raze existing home and construct new residence), and he mentioned the special conditions, which include:
  - a. Tree mitigation plan;
  - b. Development constitutes a “major development” status, and applicant will submit requirements as such, or they will need to reapply to the Board, if the requirements cannot be met;
  - c. Cabana cannot be used as separate living space.

The question is can the Board adopt the resolution at this time, or would they prefer to wait until the plan is modified to meet the requirements. Mr. Reilly does not have a problem going forward with the resolution at this time. Dr. Wood moved to adopt the resolution, and Mr. Brodsky seconded.

Roll Call Vote: Ayes (Eligible) – Conklin, Blum, Brodsky, Wood

Nays – None

Motion carried.

Mr. Brodsky also moved to adopt the following resolutions, and Dr. Wood seconded.

2. **Elizabeth & Amy Ayers, 21 Highland Ave** – approval to construct new second floor addition, covered front porch and walkway, side/rear screened porch and reconstruct rear deck and stairs.

Roll Call Vote: Ayes – Conklin, Blum, Brodsky, Wood

Nays – None

Abstain – Duddy, Cottrell

Motion carried.

**3. Michael & Shanley Walker, 52 Navesink Ave** – Approval to expand existing front porch.

Roll Call Vote: Ayes – Conklin, Blum, Brodsky

Nays – None

Abstain – Cottrell, Duddy, Wood

**4. James & Kerri Keane, 21 Church St.** – Approval to construct side addition and open front porch.

Roll Call Vote: Ayes – Conklin, Blum, Brodsky, Wood

Nays – None

Abstain – Duddy, Cottrell

**5. Ray Guzman, 51 Lafayette St** – Approval to raze existing residence and construct new residence.

Roll Call Vote: Ayes – Conklin, Brodsky, Wood

Nays – None

Abstain – Duddy, Cottrell, Blum

Mr. Brodsky moved to adopt the following resolution, and Dr. Wood seconded.

**6. Meadow Builders, LLC, 87 Blackpoint Road** – Approval to raze existing residence and construct new home. Mr. Wilt, builder, was present to say that they will be using stone or pavers for the driveway area. The numbers on the application were confirmed by Mr. Wilt. Mr. Brodsky moved to adopt the resolution, and Dr. Wood seconded.

Roll Call Vote: Ayes (eligible) – Conklin, Brodsky, Blum, Wood

Nays – None

Motion carried.

**Katie Gummer, 39 Highland Ave**

Brooks Von Arx, attorney, appeared on behalf of the applicant. He explained that they want to raise the roof in order to bring light into the house and make the house more attractive. There is a technical variance, because a portion of the new roof extends into the side yard setback.

Mr. Gorski, architect, was sworn in at this time, and the Board accepted his qualifications. He showed the Board two renderings (A-1 & A-2) to explain their proposal. The rear portion affects the roof pitch. A drawing was also shown to the Board (A-3), and Mr. Gorski pointed out the change in the roof on this plan, noting an old porch that was renovated and made a part of the house. They would now like to get light into the center of the house. There is a small portion that will extend into the side setback. It is his opinion that the appearance of the house will be improved, and the interior will also be improved. He stated no detrimental effect to the neighborhood or zone plan with this application.

There were no comments or questions from the public.

Mr. Brodsky commented that he did not see an issue with tis proposal. He moved to approve the application. Mr. Cottrell seconded.

Roll Call Vote: Ayes – Conklin, Brodsky, Wood, Cottrell, Duddy  
Nays – None

Motion carried.

**23 Kathrine Street, LLC, 69 Ridge Road**

Robert Susser, property owner, was sworn in at this time. He is proposing to raze the existing home and construct a new, single-family home, conforming to all zone requirements. The only nonconformity is existing for lot width and frontage. They are eliminating two existing nonconformities in that the existing garage (35' from Ridge Road), facing Nicol Terr., is nonconforming, and their new plan will be conforming. They are pushing the home back and over toward the back of the property.

Brooks Von Arx, attorney, also appeared on behalf of the applicant. He confirmed Mr. Susser's testimony regarding the two existing nonconformities and the elimination of another nonconformity, as they will be moving the house over and back on the property.

Mr. Susser stated that they will be protecting two large trees on the property. There are also several trees that are in disrepair that they will be removing from the side yard. These trees are not in the building envelope, but are dangerously affected. Their plan shows what they are actually proposing to build on the lot. There will be no deviation from this plan.

William Brooks, Borough Forrester, was sworn in and said he has visited the property and noted two large Tulip trees on the lot. He told Mr. Susser what needs to be done to protect these trees. The trees proposed for removal were located on the lot. These are not significant specimen trees, and they will be compliant with the removal of these trees. Another large tree on the west property line needs to be taken down, as it poses a hazard due to its dangerous condition. There are no tree issues with this plan, and he does not think there needs to be any condition of approval.

Mr. Susser has met with his neighbors regarding the maintaining of the property, and he will be cleaning up the yard and assured the neighbors that they will be maintaining the property on this narrow street.

Mr. Neff noted that the garage doors can face the street, since this is a private road.

Mr. Susser has spoken to Mr. Andre regarding possibly starting construction prior to the adoption of the resolution, due to upcoming weather conditions. They would like to demolish the house. He was told that any work done prior to the resolution being adopted would be at his own risk.

Nancy Kopp, 67 Ridge Road, was sworn in and said she is the neighbor across the street. She has concerns about the Tulip tree on her property, as she does not want to see any damage done to her trees. Mr. Brooks responded that they will be installing snow fencing to delineate the root areas of the trees in question to make sure they are protected during demolition and construction. Ms. Kopp also noted other construction in the area, and she asked if the street would be repaved if any damage occurred from this new construction. It was noted that this is a private road; however, Mr. Susser said he has no problem making this part of the resolution. Ms. Kopp noted the dangerous driving conditions on the street during this type of construction, and she would like Mr. Susser to make sure his workers are aware of the situation.

Maureen MacNeal, 3 Nicol Terrace, was sworn in and mentioned that they have worked hard to keep all the trees. She was informed by Mr. Brooks that the two large trees on the lot will not be removed, and he identified the two trees for her information.

There were no other questions or comments from the public.

Mr. Von Arx explained the existing nonconformity regarding lot width and frontage and corner lot shape. There is no opportunity to obtain additional property for this lot.

Mr. Duddy asked about the private road and what would be considered the front, and Mr. Reilly said it is normally the shorter side that is considered the front, but in this case on this private road, this does not apply.

Mr. Reilly questioned the access to the private road, and Mr. Susser said the lot line is in the middle of the private road, and this is how the existing house also existed. The new driveway will be in the same location as the existing driveway.

Mr. Cottrell moved to approve the application, and Mr. Blum seconded.

Roll Call Vote: Ayes – Conklin, Brodsky, Wood, Duddy, Cottrell, Blum

Nays – None

Motion carried.

Mr. Reilly noted the conditions of the resolution would include and be be subject to compliance with the tree ordinance and any damage to the street to be repaired by the owner.

**Michael Cantor, 31 A-33 Ward Ave**

Steve Gouin, attorney, appeared on behalf of the applicant. They were here in October, 2013, and received approval to construct two new detached garages in the front yard, and they are now proposing some modifications to that application. The revised plan was shown to the Board, and they have also shown this to the neighbors.

Michael Monroe, architect, was sworn in at this time, and the Board accepted his qualifications. He explained the existing dwelling and the improvements made with their past approval in 2013. They would now like to construct a one-story, 14' tall colonnade close to the house. They are removing all existing improvements on the river side. They would like to have some covered areas, creating a nice place to sit on the river side. They are within a few hundred feet of permitted building coverage. They have purchased property on both sides of this lot, which is now three acres in size where one acre is required. They are asking to build the same types of porches that would be allowed in the rear yard in this considered front yard, since it is on the river side. They are under the lot coverage numbers by about 4,200 sq. ft.

Mr. Monroe further explained that they are about 10% under on the building coverage, and if this was proposed for the street side, they would not need a variance; however, this would not make sense in this case. He thinks it is reasonable to utilize the river side as the front, and putting a porch on this side makes more sense.

Chairman Conklin noted a huge patio, which affects the lot coverage. He asked how far out the new structure will come in relationship to where the existing structure now stands. Mr. Monroe said they do not have a lot coverage problem, and he showed how the new structure would extend on the river side. They would like a pool facing the river and all patios facing the west, north, and south. They will be creating a green space towards the river, and it will look less massive than what currently exists.

Mr. Brodsky noted that the new space is open space. The entire new proposed structure will line up with the 18' on the left, making the house appear symmetrical. There are no issues with anyone's view of the water.

Mr. Monroe thinks it is a diminimus change, allowing for less pavement than what currently exists.

They have added notes to the site plan confirming the details of their plan, noting that the pool will now be farther away from the neighbors than before. There will be a conforming structure. Grading will now go towards the water.

Chairman Conklin noted that the prior approval for the garages may not have been as amenable to the Board if they had known about this major plan for the rear of the property. Mr. Monroe noted that some of the concerns with the original application have been minimized, but none of the setbacks have been changed.

Mr. Brodsky noted there are five bays available outside and two in the house. One of the bays will be used to house a generator. The building and lot coverage are proportional to the size of this large lot. The water side area will be open air and is somewhat stark, in his opinion.

Mr. Monroe said they will agree to change the number of garage bays from seven to six, and one of the garage doors will be removed from use.

Mr. Cantor, property owner, was sworn in at this time. He stated that the existing garage door on the main house will have one of the doors eliminated, so that no car will be able to fit in this space. He noted that they worked with the neighbors to acquire the property across the river in Sea Bright, where they intend to make a new park.

Mr. Reilly confirmed that they will be removing one bay in the garage in the house, and they will be installing a generator in one of the bays in the garages in the front.

Mr. Gouin explained that the two garages in the front would stay the same, and they will be removing one door from the garage in the house. They will be installing a generator in the front garage, which will still have three bays.

There were no questions or comments from the public.

Mr. Cottrell said it seems reasonable to take advantage of the views across the river. They are not creating a major nonconformity. He likes the adjustments to the pool, and the fact that they

will be reducing the runoff and addressing the neighbors' concerns would cause him to be in favor of approving the application.

Mr. Brodsky agrees and noted it does not appear to impact any of the neighbors. He would support the application with the additional conditions. He moved to approve the application, and Mr. Cottrell seconded.

Roll Call Vote: Ayes – Conklin, Brodsky, Wood, Duddy, Cottrell, Blum

Nays – None

Motion carried.

**Joseph & Shannon Novak, 17 Lennox Ave**

Mr. & Mrs. Novak were sworn in, along with their architect, James Daley, whose qualifications were accepted by the board. Mr. Novak explained their proposal to add on to their house to add space for their family.

Mr. Daley explained that this is a two-story house with a small front porch and a one-story addition in the rear. They propose to add on to the addition in the rear to add a second story in the area. The rear yard setback will be increased with their plan. They will be making this rear addition a full, two-story addition. They are also proposing a sitting porch along the front of the house to wrap around to the side. They are also adding a one-car garage and removing the shed. The side setbacks in this zone, due to the increased lot size, require 8' /18' (4.9' /18.9' are existing). The proposed setbacks will be 4.9' / 16'. They are requesting a side yard variance. They are making the house wider than what currently exists. The overage on lot coverage is due to the driveway going to the garage. The driveway goes to the back of the house. The garage complies with the height variance in this zone (15'). The proposed building coverage of 3,808 sq. ft. (3,589 sq. ft. maximum allowed) does not include the 130 sq. ft. credit for the garage. The second floor addition will add a master suite across the rear, extending out an additional 12'. This is on top of the existing first floor area. Mr. Daley noted he is reducing the footprint somewhat, due to the removal of a porch area. The front porch is 7' deep.

Kevin Lane, was sworn in and said he was a neighbor of the Novak's at one time, and prior improvements they made to their prior house were done very well, and he thinks they will do the same good job this time.

Caroline Carnazza, 19 Lennox Ave., was sworn in and asked about the balcony proposed, and Mr. Daley explained there is a small balcony proposed in the master bedroom which overhangs the patio, 3' in size.

Chairman Conklin noted that the houses to the north of the home are relatively new construction.

There were no other questions or comments from the public.

Mr. Blum asked about the fireplace on the plan, noting these would protrude into the setback. Mr. Reilly said this would be another variance, which was not included in their notice. Mr. Daley said they could make these flush, so that no variance would be required.

Mr. Brodsky likes the front porch, but noted that the wrap around area increases the setback nonconformity. Mr. Novak noted that this side area leads to a side entrance. Mrs. Novak

pointed out an existing side portion, which they will be removing. There is a driveway on this side that is 10' wide, and the distance from the porch to the property line is 11.1' on this side.

Mr. Blum thinks it would be difficult to open a car door on this side where the porch exists. Mr. Daley agreed, but noted that this is only a distance of about 18'. The side porch offers a covered area to the side entrance.

The Board feels this side area is very tight. Mr. Brodsky likes the porch in the front, but he does not think there is enough room for this side porch area.

Mr. Cottrell noted that some type of step would be needed to get into the house in this area; however, Chairman Conklin stated it would not need to be as large as this design.

Mr. Brodsky noted they are also over on their lot coverage and building coverage.

Mr. Daley suggested they take off the side portion area and have a covered entrance going into the mud room, and the Board thought this made sense.

Mr. Reilly reviewed that they will be changing the plan to make the fireplaces flush on the outside and eliminate the side porch and add a covered entryway on the side of the mud room. Mr. Blum said they probably would not require a variance with this change.

Mr. Duddy asked if they would lose interior floor area by making the fire places flush, and Mr. Daley said they would. Mr. Duddy does not think they should be made to pull in the fire place and lose the interior space. Mr. Reilly said they would still need a variance for this. If they put the notice in the paper to include this variance, they could get the resolution approved at the January meeting.

Chairman Conklin asked for the Board's feelings about the fire place, and the Board expressed no objection to making the fireplace come out 1'.

Jim Carnazza, next door neighbor, was sworn in and said he is on the side of the 4.9' setback. He stated that the town did not let him put a fireplace on this side of his house. He does not want anything to affect his property. He would prefer that they keep the fire place flush with what currently exists.

Mr. Daley agreed to keep the fire place flush, thereby requiring no additional variance.

Mr. Brodsky moved to approve the application, subject to the submission of revised plans to show the elimination of the side portion of the porch, as discussed, add a new entryway the side, and make the fireplace flush with the existing house. Dr. Wood Seconded.

Roll Call Vote: Ayes – Conklin, Blum, Brodsky, Cottrell, Duddy, Wood

Nays – None

Motion carried.

Revised plans will need to be submitted prior to the next meeting.

There being no further business, motion was made and seconded to adjourn. Voice Vote: Ayes, unanimous. The meeting was adjourned at 9:20 p.m.

The next meeting will be **January 6, 2015.**

Respectfully submitted,

Patricia Murphy  
Clerk